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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,980	04/12/2001	Richard Geiss	10868-US	9734

33361 7590 02/04/2005

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EXAMINER

PHAM, TUAN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/832,980	Applicant(s) GEISS ET AL.	
	Examiner TUAN A PHAM	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/31/02, 4/12/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's election with traverse of Group I in the reply filed on 10/14/2004 is acknowledged. The traversal is on the ground(s) that is not serious burden upon the examiner. The Applicant argues the restriction mailed on 4-14-2004 with traverse, that it would not impose a serious burden upon the Examiner. However, the Examiner respectfully disagrees with the Applicant's argument as stated above. The present application appears containing two inventions. Invention I (claims 1-5, and 11-13) has drawn to transmit data and voice signals over the telephone line, which is classified in class 379, subclass 93.05, while invention II (claims 6-10, and 14-18) has drawn to cancel the echo signal in communication medium, which is classified in class 379, subclass 406.01. Therefore, two inventions would require different search and consideration throughout prosecution.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kiko (U.S. Patent No.: 6,212,259).

Regarding claims 1 and 11, Kiko teaches a termination circuit for a subscriber line interface connected to a transmission medium for bi-directional communication of both voice and data signals, the termination circuit comprising (see figure 12): detection means to detect voice and data signals at a connection point to the transmission medium (see figure 12, circuit 59d detect voice and data from TIP and RING, col.12, ln.5-30); a voice band return loss means monitoring the voice and data signals and generating a voice band return signal to be forwarded to the connection point, the return signal being a representation of the voice band signal (see figure 12, return loss circuit

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TC1, TC2, col.12, ln.5-30); and a voice band filter connected to the return loss means the voice band filter isolating the voice band return loss signal from the data band signal (see figure 12, filter circuit , return loss circuit TC1, TC2, col.6, ln.6-16, col.12, ln.5-30).

Regarding claim 4, Kiko further teaches a termination circuit of the communications medium is a twisted copper pair (see figure 3, TIP and RING input, col.6, ln.33-36).

Regarding claim 5, Kiko further teaches a termination circuit of the communications the bi-directional communication is implemented utilizing a Digital Subscriber Line (DSL) scheme (see col.6, ln.6-16).

Regarding claims 2 and 12, Kiko teaches a termination circuit for a subscriber line interface connected to a transmission medium for bi-directional communication of both voice and data signals, the termination circuit comprising (see figure 12): detection means to detect voice and data signals at a connection point to the transmission medium (see figure 12, circuit 59d detect voice and data from TIP and RING, col.12, ln.5-30); a data band return loss means monitoring the voice and data signals and generating a data band return signal to be forwarded to the connection point, the data band return signal being a representation of the data band signal (see figure 12, return loss circuit TC1, TC2, col.12, ln.5-30); and a data band filter connected to the return loss means the data band filter isolating the data band return loss signal from the voice band signal (see figure 12, filter circuit , return loss circuit TC1, TC2, col.6, ln.6-16, col.12, ln.5-30).

Regarding claims 3 and 13, Kiko teaches a termination circuit for a subscriber line interface connected to a transmission medium for bi-directional communication of both voice and data signals, the termination circuit comprising (see figure 8, figure 12): detection means to detect voice and data signals at a connection point to the transmission medium (see figure 12, circuit 59d detect voice and data from TIP and RING, col.12, ln.5-30); a voice band return loss means monitoring the voice and data signals and generating a voice band return signal to be forwarded to the connection point, the return signal being a representation of the voice band signal (see figure 8, return loss circuit TC1, TC2, TIP and RING, filter circuit 59b, col.10, ln.21-67); a data band return loss means monitoring the voice and data signals and generating a data band return signal to be forwarded to the connection point (see figure 12, return loss circuit TC1, TC2, col.12, ln.5-30), the data band return signal being a representation of the data band signal; a voice band filter connected to the return loss means the voice band filter isolating the voice band return loss signal from the data band signal (see figure 8, return loss circuit TC1, TC2, TIP and RING, filter circuit 59b, col.10, ln.21-67); and a data band filter connected to the return loss data band means, the data band filter isolating the data band return loss signal from the voice band signal (see figure 12, filter circuit , return loss circuit TC1, TC2, col.6, ln.6-16, col.12, ln.5-30).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Huang et al. (U.S. Patent No. 6,839,425), Meek (U.S. Patent No. 5,745,564), Swam (U.S. Patent No. 6,728,367), and Treiber (U.S. Patent No. 4,381,561) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s). These references are also concerned for supporting the system and method for filtering voice band and metering tone frequencies of a mixed voice and data signal.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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January 25, 2005
Examiner

Tuan Pham



CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600